

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Russo	Team: Squad #10	CCRB Case #: 202303940	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/04/2023 4:53 PM, Tuesday, 10/17/2023 9:36 AM	Location of Incident: Bronx Park East subway station; outside of station, on Sagamore Street and Birchall Avenue, 49th PCT	18 Mo. SOL 11/4/2024	Precinct: 49		
Date/Time CV Reported Fri, 05/05/2023 9:53 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 05/05/2023 9:53 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. PO Aaron Cataquet	23640	965972	049 PCT
2. PO Kenneth Blazo	22421	969524	049 PCT
3. PO Karla Cruz	29534	970470	049 PCT
4. PO Destiny Santiago	23296	970840	049 PCT
5. PO Adrian Seepersaud	10218	974534	049 PCT
6. PO Estarlin Rodriguez	12759	970148	049 PCT
7. PO Richard Duffy	03578	972618	049 PCT
8. PO Edwin Rotger	24504	973738	049 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. PO Britney John	06730	960734	TD 12
2. PO Allen Rolon	07463	955409	TD 12
3. LT John Ruis	00000	916609	049 PCT
4. PO Frank Smith	24444	962813	049 PCT
5. PO Erin Devoy	01113	968376	049 PCT
6. PO Rody Ariasguzman	21993	973227	049 PCT

Officer(s)	Allegation	Investigator Recommendation
A . PO Adrian Seepersaud	Abuse: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud improperly used his body-worn camera.	
B . PO Aaron Cataquet	Abuse: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet improperly used his body-worn camera.	
C . PO Aaron Cataquet	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)	
D . PO Adrian Seepersaud	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud used physical force against § 87(2)(b)	
E . PO Destiny Santiago	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F . PO Karla Cruz	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)	
G . PO Destiny Santiago	Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago spoke discourteously to § 87(2)(b)	
H . PO Aaron Cataquet	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)	
I . PO Adrian Seepersaud	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud used physical force against § 87(2)(b)	
J . PO Destiny Santiago	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)	
K . PO Aaron Cataquet	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)	
L . PO Karla Cruz	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)	
M . PO Kenneth Blazo	Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)	
N . PO Adrian Seepersaud	Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud spoke discourteously to § 87(2)(b)	
O . PO Adrian Seepersaud	Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud spoke discourteously to § 87(2)(b)	
P . PO Karla Cruz	Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz spoke discourteously to § 87(2)(b)	
Q . PO Destiny Santiago	Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago spoke discourteously to § 87(2)(b)	
R . PO Aaron Cataquet	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)	
S . PO Destiny Santiago	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)	
T . PO Estarlin Rodriguez	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Estarlin Rodriguez used physical force against § 87(2)(b)	
U . PO Kenneth Blazo	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)	
V . PO Edwin Rotger	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Edwin Rotger used physical force against § 87(2)(b)	
W . PO Richard Duffy	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Richard Duffy used physical force against § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
X . PO Kenneth Blazo	Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo spoke discourteously to § 87(2)(b)	
Y . PO Estarlin Rodriguez	Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Estarlin Rodriguez spoke discourteously to § 87(2)(b)	
Z . PO Edwin Rotger	Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Edwin Rotger spoke discourteously to § 87(2)(b)	
AA. PO Aaron Cataquet	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)	
AB. PO Adrian Seepersaud	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud used physical force against § 87(2)(b)	
AC. PO Destiny Santiago	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)	
AD. PO Karla Cruz	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)	
AE. PO Kenneth Blazo	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)	
AF. PO Karla Cruz	Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx Police Officer Karla Cruz spoke discourteously to § 87(2)(b)	
AG. PO Kenneth Blazo	Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)	
AH. PO Kenneth Blazo	Untruthful Stmt.: On October 17, 2023, at 100 Church Street in Manhattan, Police Officer Kenneth Blazo provided a false official statement to the CCRB.	

### Case Summary

On May 5, 2023, an anonymous officer from the NYPD filed this complaint with the CCRB via phone on behalf of § 87(2)(b).

On May 4, 2023, at approximately 4:53 p.m., Police Officers Adrian Seepersaud and Aaron Cataquet, of the 49<sup>th</sup> Precinct, stopped § 87(2)(b) after observing him jump over the turnstiles at the Bronx Park East Subway station in the Bronx. There is no BWC footage capturing the initial pursuit or apprehension of § 87(2)(b) (**Allegations A: Abuse of Authority-Improper use of body-worn camera, § 87(2)(g)**) (**Allegations B: Abuse of Authority-Improper use of body-worn camera, § 87(2)(g)**).

PO Seepersaud and PO Cataquet, as well as Police Officers Destiny Santiago and Karla Curz, of the 49<sup>th</sup> Precinct, placed § 87(2)(b) in handcuffs (**Allegations C, D, E, and F: Force-Physical Force, § 87(2)(g)**). PO Santiago told § 87(2)(b) to “stop fucking resisting” (**Allegation G: Discourtesy-Word, § 87(2)(g)**). All four officers, including Police Officer Kenneth Blazo, of the 49<sup>th</sup> Precinct, escorted § 87(2)(b) down the stairs of the subway station (**Allegations H, I, J, K, L and M: Force-Physical Force, § 87(2)(g)**). PO Seepersaud told § 87(2)(b) “So now you want to be crying and shit,” (**Allegation N: Discourtesy-Word, § 87(2)(g)**). He also said, “fuck that, bro,” (**Allegation O: Discourtesy-Word, § 87(2)(g)**). PO Cruz told § 87(2)(b) to “chill the fuck out,” and that he was “fucking resisting,” (**Allegation P: Discourtesy-Word, § 87(2)(g)**). PO Santiago told him he was “out of his fucking mind” (**Allegation Q: Discourtesy, § 87(2)(g)**).

PO Cataquet, PO Santiago, PO Blazo, as well as Police Officers Estarlin Rodriguez, Edwin Rotger, and Richard Duffy, all of the 49<sup>th</sup> Precinct, assisted in escorting § 87(2)(b) to the police vehicle (**Allegations R, S, T, U, V, and W: Force: Physical Force, § 87(2)(g)**). PO Blazo told § 87(2)(b) to “stop fucking resisting,” (**Allegation X: Discourtesy-Word, § 87(2)(g)**). PO Rodriguez said, “Fuck outta here, bro. Stop moving,” (**Allegation Y: Discourtesy-Word, § 87(2)(g)**). PO Rotger said, “The fuck?” as officers escorted § 87(2)(b) to the second RMP (**Allegation Z: Discourtesy-Word, § 87(2)(g)**).

PO Seepersaud, PO Santiago, PO Cruz, and PO Blazo pushed § 87(2)(b) into the police vehicle (**Allegations AA, AB, AC, AD, and AE: Force-Physical Force, § 87(2)(g)**). PO Cruz told § 87(2)(b) to “get [his] ass in there,” (**Allegation AF: Discourtesy-Word, § 87(2)(g)**). PO Blazo punched § 87(2)(b) in the face (**Allegation AG: Force-Physical Force, § 87(2)(g)**).

Police Officers Britney John, Allen Rolon, Frank Smith, Erin Devoy, Rody Ariasguzman, and Lieutenant John Ruis, all of the 49<sup>th</sup> Precinct, responded to the scene after the incident concluded.

On October 17, 2023, at approximately 9:36 a.m., PO Blazo provided a false official statement (**Allegation AH: Untruthful Statement-False Official Statement, § 87(2)(g)**).

§ 87(2)(b) was arrested as a result of this incident. [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(e)]

The investigation received BWC from all of the named officers—(BR 01-BR 16).

### Findings and Recommendations

**Allegation (A) Abuse of Authority: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud improperly used his body-worn camera.**

**Allegation (B) Abuse of Authority: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet improperly used his body-worn camera.**

It is undisputed that § 87(2)(b) jumped the turnstile, after which PO Seepersaud and PO Cataquet stopped him.

§ 87(2)(b) (BR 17) stated that both PO Cataquet and PO Seepersaud did not have their body cameras on when they initially stopped and grabbed him. He did not see the red light indicating that they were activated.

PO Seepersaud (BR 19) stated that he activated his BWC as soon as he saw § 87(2)(b) jump the turnstile. While he and PO Cataquet struggled with § 87(2)(b) his BWC fell off, and a bystander returned it to him. He did not know if his BWC turned off when it fell off or if he pressed the button to activate his BWC after putting it on again. He did not know why his video began during the struggle, when he was sure that he had activated it earlier.

PO Cataquet (BR 22) also stated that he activated his BWC after § 87(2)(b) jumped the turnstile and that his BWC fell off during the struggle. After officers removed § 87(2)(b) from the location, other officers went to find PO Cataquet's BWC, but were unable to do so. When PO Cataquet returned about an hour later, he also did not find his camera. BWC video cannot be uploaded unless the camera itself is docked at the stationhouse. Therefore, given that PO Cataquet still has not located his BWC, the video was unable to be uploaded. PO Cataquet added that PO Seepersaud did not have his BWC activated during this incident.

PO Seepersaud's BWC (BR 03) is activated, beginning at the 01:00 mark, when he is already physically engaging with § 87(2)(b) by the turnstiles. The video is dark, as if the camera is obstructed.

The CCRB did not receive BWC from PO Cataquet (BR 39).

PO Seepersaud's second BWC (BR 16) shows, at the 01:00 mark, that PO Cataquet does not have his BWC on his chest when processing § 87(2)(b) at the desk. None of the other BWC videos capture PO Cataquet's chest at the scene.

PO Cataquet's memo book (BR 34) has an entry made at 17:10, which notes that his BWC was lost/stolen. PO Cataquet informed the desk and the patrol supervisor in regards.

Patrol Guide procedure 212-123 (BR 24) states that it is mandatory for uniformed members of service to activate BWC during public interactions that escalate and become adversarial.

Given that PO Seepersaud and PO Cataquet both approached § 87(2)(b) in an effort to stop him after observing him jump the turnstile, they were required to activate their BWC. Even if PO Seepersaud's BWC fell off and deactivated, the footage would have still preserved if he activated it when he first observed § 87(2)(b) § 87(2)(g)

Given the incomprehensive BWC, the investigation did not obtain a clear view of PO Cataquet's chest at the scene to determine if his BWC was on his person. § 87(2)(g)

**Allegation (C) Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)**

**Allegation (D) Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud used physical force against § 87(2)(b)**

**Allegation (E) Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)**

**Allegation (F) Force: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)**

**Allegation (G) Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago spoke discourteously to § 87(2)(b)**

§ 87(2)(b) stated (BR 17) that after jumping the turnstile, PO Seepersaud went after him and grabbed his upper arm while on the staircase. § 87(2)(b) pulled his arm away and PO Seepersaud grabbed his arm again. § 87(2)(b) pulled away a second time. PO Seepersaud grabbed § 87(2)(b) arm a third time, more aggressively. PO Cataquet grabbed § 87(2)(b) other arm. § 87(2)(b) moved his body around quickly and pushed the officers away. The officers told him to

stop moving and pulled him down the stairs.

After passing the emergency exit, the officers pushed § 87(2)(b) into the gate. The officers said that § 87(2)(b) was “under.” He grabbed onto the gate in front of him. One of the officers wrapped his leg around § 87(2)(b) leg and pulled his arm. The other officer pulled his other arm. The officers called for backup during the struggle to remove § 87(2)(b) hands from the gate. About four additional officers arrived and assisted in pulling § 87(2)(b) arms from the gate. They put § 87(2)(b) hands behind his back, forcefully, and placed him in handcuffs.

PO Cruz’s BWC (**BR 01**) shows, at the 01:20 mark, that as PO Cruz and PO Santiago approach § 87(2)(b) PO Cataquet is holding his left arm, while PO Seepersaud attempts to pull § 87(2)(b) right arm from the gate. § 87(2)(b) has one leg between the rails of the gate in front of him. PO Cruz tells § 87(2)(b) to place his arms behind his back and he tells her to “shut the fuck up.”

PO Santiago’s BWC (**BR 02**) is generally consistent with PO Cruz’s. At the 01:28 mark, PO Santiago approaches § 87(2)(b) right side and pulls his hand off the railing. A couple of bystanders are watching and recording. She brings his arm behind his back and PO Cataquet begins securing him in handcuffs. As PO Cataquet secures the cuffs, § 87(2)(b) moves his body around. PO Santiago tells him to “stop fucking resisting.”

PO Seepersaud (**BR 19**) stated that after § 87(2)(b) jumped over the turnstile, he and PO Cataquet followed § 87(2)(b) to the platform. § 87(2)(b) saw the officers and tried to walk past them to go down the stairs. PO Cataquet and PO Seepersaud placed their hands on § 87(2)(b) shoulders to stop him. § 87(2)(b) pulled away and ran down the stairs. PO Seepersaud ran after him and grabbed his arms. § 87(2)(b) grabbed onto the gate in front of him, tensed his arms, and moved his arms around. PO Seepersaud was unable to pull § 87(2)(b) hand from the gate, so PO Cataquet called for assistance while § 87(2)(b) continued to resist. When the additional officers arrived, they were collectively able to pull § 87(2)(b) hands off the gate and put his arms behind his back.

PO Cataquet’s statement (**BR 22**) is generally consistent with PO Seepersaud’s statement. PO Cataquet added that when initially approaching § 87(2)(b) on the platform, he was uncooperative and combative, refusing to provide his information and standing in a defensive stance—puffing his chest out. PO Cataquet did not recall if he and PO Seepersaud made physical contact with § 87(2)(b) when escorting him out of the station.

PO Cruz’s (**BR 20**) and PO Santiago’s (**BR 18**) statements were generally consistent with the other officers’ statements, except they arrived during the handcuffing process and did not see what transpired prior. PO Santiago denied telling § 87(2)(b) to “stop fucking resisting.” When playing her BWC, PO Santiago was unable to identify the voice saying, “stop fucking resisting.” She denied making the statement.

The investigation was unable to obtain Threat, Resistance, or Injury reports because § 87(2)(b) mother did not provide unsealing orders (**BR 41**).

The Medical Treatment of Prisoner Report prepared for § 87(2)(b) (**BR 33**) notes that § 87(2)(b) had scratches on his hands and that he complained of being punched in the face. He obtained a checkup, but ultimately refused medical attention.

PO Cataquet’s memo book (**BR 34**) includes a photo of § 87(2)(b) face, with no visible injuries, and his left hand, which has some bruising or scratching.

Patrol Guide procedure 221-01 (**BR 25**) states that when determining if force is reasonable, uniformed members of service should consider the following: “The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject’s violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or



increase the likelihood of violence.”

Patrol Guide procedure 221-02 (**BR 26**) states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. Officers shall apply no more than the reasonable force necessary to gain control.

Patrol Guide procedure 200-02 (**BR 27**) notes that the NYPD’s mission is to, in partnership with the community, value human life, respect the dignity of each individual, and render our services with courtesy and civility, while also maintaining a higher standard of integrity than is generally expected of others.

DAO-DCT 2015-15012 (BR 29) found that officers are prohibited from using discourteous language, except when in a highly dangerous or stressful situation. Officers shall not use discourteous language that serves no legitimate purpose other than to belittle.

It is undisputed that § 87(2)(b) physically resisted officers and failed to comply with lawful orders. Although there is no footage of how the officers initially stopped § 87(2)(b) he, himself, noted that he was resisting. § 87(2)(g)

Although PO Santiago denied using profanity during this incident, her BWC captures her making the statement. Given that § 87(2)(b) was resisting when PO Cataquet secured his handcuffs, while screaming and cursing at the officers, which resulted in people stopping and recording. § 87(2)(g)

**Allegation (H) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)**

**Allegation (I) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx Police Officer Adrian Seepersaud used physical force against § 87(2)(b)**

**Allegation (J) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)**

**Allegation (K) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)**

**Allegation (L) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)**

**Allegation (M) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)**

**Allegation (N) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud spoke discourteously to § 87(2)(b)**

**Allegation (O) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago spoke discourteously to § 87(2)(b)**

**Allegation (P) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz spoke discourteously to § 87(2)(b)**

**Allegation (Q) Discourtesy: On May 4, 2023, at the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago spoke discourteously to § 87(2)(b)**

PO Seepersaud’s BWC (**BR 03**) shows, from the 01:50 mark, that as PO Santiago and PO Cataquet escort § 87(2)(b) down the stairs, § 87(2)(b) says that he did not do anything. At the

01:55 mark, PO Seepersaud says, “Now you want to start crying and shit.” § 87(2)(b) curses and insults the officers—telling PO Santiago that she is “not pretty, bitch”—and throws his body weight completely against her as they descend the stairs, at the 02:00 mark. PO Seepersaud says, “Fuck that, bro.” PO Santiago screams, “You’re out of your fucking mind.” PO Cruz shouts, “Chill the fuck out.” PO Cruz joins the officers in grabbing § 87(2)(b) hoodie, and PO Blazo grabs his backpack to get him down the stairs. § 87(2)(b) denies that he did anything, and PO Cruz says he was “fucking resisting.”

The same portion of the incident is captured on PO Cruz’s BWC (**BR 01**), from the 2:16 mark. PO Cruz says, “Chill the fuck out,” at the 02:23 mark, and that § 87(2)(b) was “fucking resisting” at the 02:33 mark.

§ 87(2)(b) (**BR 17**) did not describe how he was escorted down the stairs.

PO Seepersaud (**BR 19**) stated that § 87(2)(b) was resisting by kicking, moving his body around, and cursing. PO Seepersaud made a statement along the lines of, “You want to cry now,” to § 87(2)(b). PO Seepersaud did not remember using profanity. After watching his BWC, PO Seepersaud was unable to identify the voice that said, “now you want to be crying and shit.” He was unable to determine if the voice was his. When asked if the statement PO Seepersaud said to § 87(2)(b) about complaining was the statement captured on BWC, about “crying and shit,” PO Seepersaud responded, “Yes,” then, “I don’t remember. I can’t recall.”

PO Cataquet’s statement (**BR 22**) was generally consistent with PO Seepersaud’s statement regarding § 87(2)(b) resistance, except that he added that § 87(2)(b) spat at the officers and threatened them. PO Cataquet jerked § 87(2)(b) body to prevent him from spitting again. The officers held § 87(2)(b) arm to maintain control. PO Cataquet told § 87(2)(b) to comply. He did not remember hearing any other officers giving any commands or using profanity.

PO Cruz’s statement (**BR 20**) was generally consistent with the previous officers’ statements. She added that she assisted PO Cataquet and PO Santiago by lifting § 87(2)(b) up by his backpack after he dropped his weight. PO Cruz told § 87(2)(b) to “chill the fuck out” because § 87(2)(b) had just tried to push PO Santiago down the stairs. She also used profanity given the heat of the moment, to get § 87(2)(b) to calm down/stop resisting, and because she wanted her words to carry more weight. PO Cruz did not hear any officers making other statements while going down the stairs.

PO Santiago’s statement (**BR 18**) was generally consistent with those of other officers. She added that she told § 87(2)(b) that he was “out of his fucking mind,” because he shoved her and she almost fell down the steps, which was a heat of the moment situation.

PO Blazo’s statement (**BR 23**) was generally consistent with those of other officers. He added that he arrived when the officers were already escorting § 87(2)(b) down the stairs. PO Blazo heard officers using profanity, like “stop fucking moving,” but he did not recall who made the statements.

The investigation was unable to obtain Threat, Resistance, or Injury reports because § 87(2)(b) mother did not provide unsealing orders (**BR 41**).

Patrol Guide procedure 221-01 (**BR 25**) states that when determining if force is reasonable, uniformed members of service should consider the following: “The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject’s violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.”

Patrol Guide procedure 221-02 (**BR 26**) states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons



present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. Officers shall apply no more than the reasonable force necessary to gain control.

Patrol Guide procedure 200-02 (**BR 27**) notes that the NYPD's mission is to, in partnership with the community, value human life, respect the dignity of each individual, and render our services with courtesy and civility, while also maintaining a higher standard of integrity than is generally expected of others.

DAO-DCT 2015-15012 (BR 29) found that officers are prohibited from using discourteous language, except when in a highly dangerous or stressful situation. Officers shall not use discourteous language that serves no legitimate purpose other than to belittle.

DAO-DCT case 2013-10143 (BR 30) notes that when an officer was unexpectedly struck by a civilian, profanity is permissible because the officer resorted to such language in the heat of a highly dangerous and extremely stressful situation, and the statement was an "excited utterance."

DAO-DCT Case No. 2021-23487 (BR 38), the court found the use of the word "shit" to be a generic term that is not discourteous, as it has become so common.

The officers all detailed how § 87(2)(b) was resisting while walking down the stairs—cursing, moving his body, pushing PO Santiago—which is consistent with the BWC. Given that he was resisting prior to getting on the stairs and continued doing so on the stairs, § 87(2)(g)

§ 87(2)(b) stated that he was unable to identify the voice who said, "now you want to start crying and shit," his BWC confirms that he made the statement. At the time that he made the statement, § 87(2)(b) was restrained, surrounded by officers, and not posing any threat. § 87(2)(g)

Given that § 87(2)(b) was physically resisting and pushed PO Santiago while they descended the stairs, § 87(2)(g)

Additionally, PO Santiago made a statement about § 87(2)(b) being "out of his fucking mind," just after § 87(2)(b) almost pushed her down the stairs. § 87(2)(g)

**Allegation (R) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)**

**Allegation (S) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)**

**Allegation (T) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Estarlin Rodriguez used physical force against § 87(2)(b)**

**Allegation (U) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)**

**Allegation (V) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Edwin Rotger used physical force against § 87(2)(b)**

**Allegation (W) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Richard Duffy used physical force against § 87(2)(b)**

**Allegation (X) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo spoke discourteously to § 87(2)(b)**

**Allegation (Y) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Estarlin Rodriguez spoke discourteously to § 87(2)(b)**

**Allegation (Z) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Edwin Rotger spoke discourteously to § 87(2)(b)**

PO Seepersaud's BWC (BR 03) shows, at the 2:25 mark, that as PO Santiago and PO Cataquet first bring § 87(2)(b) to the police vehicle, § 87(2)(b) pushes away from the vehicle. PO Rodriguez assists the officers in pushing § 87(2)(b) toward the vehicle. They hold § 87(2)(b) in place. PO Rodriguez tells § 87(2)(b) to stop resisting because he is not going to win the fight. At the 2:48 mark, § 87(2)(b) pushes away from the vehicle again, telling the officers to, "suck [his] dick." PO Rotger, PO Duffy, and PO Blazo assist in holding § 87(2)(b) against the vehicle. At the 2:49 mark, PO Blazo says, "Stop fucking moving, bro." At the 3:05 mark, PO Blazo searches § 87(2)(b) backpack. At the 3:20 mark, § 87(2)(b) kicks backwards, hitting PO Santiago. The officers walk § 87(2)(b) to a caged car.

PO Blazo's BWC (BR 04) captures the same incident from the 1:05 mark. At the 1:51 mark, PO Rodriguez says, "Fuck out of here, bro. Stop moving."

PO Rodriguez's BWC (BR 06) also captures this incident from the 2:50 mark. At the 4:00 mark, as the officers walk § 87(2)(b) to the caged police vehicle, § 87(2)(b) kicks PO Rotger from the back. PO Duffy's BWC (BR 05) shows, at the 2:00 mark, that PO Rotger says, "The fuck?" after § 87(2)(b) kicks him.

§ 87(2)(b) (BR 17) stated that an officer pushed him face first into the rear of the police vehicle. § 87(2)(b) mouth collided with the vehicle, causing his teeth to press into his bottom lip. As a result, his lip was cut or "busted." § 87(2)(b) did not recall what he was doing with his body prior to being slammed. The officers did not tell him to do anything prior to slamming him.

PO Seepersaud (BR 19) did not recall seeing the officers press § 87(2)(b) into the first vehicle. They moved him to the second vehicle because they needed a caged car. When walking toward the second vehicle, § 87(2)(b) kicked PO Rotger in the back.

PO Cataquet (BR 22) stated that when escorting § 87(2)(b) to the police vehicle, § 87(2)(b) continued resisting—kicking, spitting, and moving his body around. PO Cataquet pressed § 87(2)(b) against the vehicle for his safety, given that he was kicking and pushing. PO Cataquet did not remember § 87(2)(b) face making contact with the vehicle when pressed against it. PO Cataquet did not see any injuries on § 87(2)(b) face after he pressed him against the vehicle. The officers walked § 87(2)(b) to a second RMP, but PO Cataquet did not know why. § 87(2)(b) continued resisting. § 87(2)(b) kicked officers, but PO Cataquet did not know who or where.

PO Santiago (BR 18) stated, consistent with the other officers' statements, that § 87(2)(b) continued resisting and cursing when walking to the police vehicle. He kicked PO Santiago's right leg and PO Cruz in the stomach.

PO Blazo's statement (BR 23) was generally consistent with the other officers' statements regarding § 87(2)(b) continued resistance. He added that § 87(2)(b) spat on PO Santiago and perhaps PO Cruz. PO Blazo denied saying anything by the police vehicle, even after viewing his own BWC, at the 1:40 mark. PO Blazo did not recognize the voice saying, "stop fucking moving," as his own.

PO Rodriguez's statement (BR 21) was generally consistent with the other officers' statements regarding § 87(2)(b) resistance.

PO Rotger and PO Duffy were not interviewed because their statements would not have affected the disposition.

The investigation was unable to obtain Threat, Resistance, or Injury reports because § 87(2)(b)

§ 87(2)(b) mother did not provide unsealing orders (BR 41).

Patrol Guide procedure 221-01 (BR 25) states that when determining if force is reasonable, uniformed members of service should consider the following: “The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject’s violent history, if known, Presence of hostile crowd or agitators, Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.”

Patrol Guide procedure 221-02 (BR 26) states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. Officers shall apply no more than the reasonable force necessary to gain control.

Patrol Guide procedure 200-02 (BR 27) notes that the NYPD’s mission is to, in partnership with the community, value human life, respect the dignity of each individual, and render our services with courtesy and civility, while also maintaining a higher standard of integrity than is generally expected of others.

DAO-DCT 2015-15012 (BR 29) found that officers are prohibited from using discourteous language, except when in a highly dangerous or stressful situation. Officers shall not use discourteous language that serves no legitimate purpose other than to belittle.

DAO-DCT case 2013-10143 (BR 30) notes that when an officer was unexpectedly struck by a civilian, profanity is permissible because the officer resorted to such language in the heat of a highly dangerous and extremely stressful situation, and the statement was an “excited utterance.”

The discussed BWC captures § 87(2)(b) pushing away from the vehicle twice, kicking PO Santiago, moving his body around, and not complying with lawful orders to stop resisting. Despite at least three officers handling § 87(2)(b) there was still a struggle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) was noncompliant and resistant throughout the entire incident, as noted in the previously analyzed allegations. His resistance escalated, as he began kicking officers. Furthermore, § 87(2)(b) continued resistance, despite the presence of several officers, § 87(2)(g)

§ 87(2)(b)

The BWC shows that PO Rotger used profanity just after § 87(2)(b) kicked him. § 87(2)(g)

§ 87(2)(b)

**Allegation (AA) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Aaron Cataquet used physical force against § 87(2)(b)**

**Allegation (AB) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Adrian Seepersaud used physical force against § 87(2)(b)**

**Allegation (AC) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Destiny Santiago used physical force against § 87(2)(b)**

**Allegation (AD) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Karla Cruz used physical force against § 87(2)(b)**

**Allegation (AE) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)**

**Allegation (AF) Discourtesy: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx Police Officer Karla Cruz spoke discourteously to § 87(2)(b)**

**Allegation (AG) Force: On May 4, 2023, outside of the Bronx Park East Subway Station in the Bronx, Police Officer Kenneth Blazo used physical force against § 87(2)(b)**

PO Blazo's BWC (BR 04) captures the officers placing § 87(2)(b) in the vehicle most clearly. At the 02:35 mark, § 87(2)(b) kicks PO Rotger on his way to the second police vehicle. The officers, primarily PO Santiago, PO Cataquet, PO Cruz, and PO Seepersaud, all push § 87(2)(b) to the second vehicle. They open the rear passenger door and push § 87(2)(b) inside. § 87(2)(b) steps out of the vehicle as the officers try closing the door. They push him inside again. At the 2:50 mark, there is a spitting sound, and PO Cruz informs § 87(2)(b) that that will be another charge. Each time the officers push him in, § 87(2)(b) steps out, saying obscenities like, "suck my dick." At the 3:00 mark, PO Cruz pushes § 87(2)(b) inside the vehicle and says, "get your ass in there," while PO Cataquet is on the opposite side, holding § 87(2)(b) upper body in the vehicle. At around the same time, PO Blazo assists in pushing § 87(2)(b) into the vehicle. § 87(2)(b) kicks his legs out toward PO Blazo and PO Cruz, who are the only two officers making contact with § 87(2)(b). PO Cruz attempts to hold his legs down. PO Blazo appears to reach toward § 87(2)(b) upper body, during which time § 87(2)(b) legs are no longer moving. At the 3:13 mark, officers tell PO Blazo to get out of the vehicle and close the door. At the 3:17 mark, PO Blazo steps away from § 87(2)(b) while holding onto his right foot. § 87(2)(b) screams, "why the fuck you punched me," multiple times. PO Blazo closes the rear passenger door. A punch is not captured on PO Blazo's or any other officers' BWC.

§ 87(2)(b) (BR 17) stated that he had blood in his mouth, given that his lip was "busted," after the officers pushed him against the first police vehicle. While at the second vehicle, he spit out blood beside him, which he believed accidentally landed on an officer, but he was not sure where. Without instructing him to get in the car, the six officers on scene lifted § 87(2)(b) legs and placed him in the vehicle. Immediately after sitting down, PO Blazo, who may have been the officer that § 87(2)(b) spit on—punched § 87(2)(b) once, in the middle of his face, just above his nose and in the middle of his forehead, causing a bruise. PO Cataquet was already in the police vehicle and observed the punch. They escorted him to the stationhouse.

An anonymous member of service filed this complaint with the CCRB (BR 40). They stated that when attempting to place § 87(2)(b) in the police vehicle, after he evaded the MTA fare, § 87(2)(b) was kicking and spitting at the officers involved, including PO Blazo. PO Blazo then punched § 87(2)(b) in the face. The officers removed § 87(2)(b) from the police vehicle and requested an ambulance, though § 87(2)(b) refused medical attention.

PO Seepersaud (BR 19), PO Cataquet (BR 22), PO Cruz (BR 20), PO Santiago (BR 18), and PO Blazo (BR 23) consistently stated that § 87(2)(b) was resisting by kicking, cursing, spitting, and refusing to get in the police vehicle. None of the officers, except PO Cataquet, observed an officer punching § 87(2)(b).

PO Cataquet (BR 22) stated that he walked to the opposite side of the vehicle and pulled § 87(2)(b) further into the seat by grabbing his armpits. PO Cataquet then saw PO Blazo punch § 87(2)(b) one time in the face area, while § 87(2)(b) was still kicking, spitting, and trying to jump out of the vehicle. PO Cataquet did not see whether § 87(2)(b) kicked or spat directly on PO Blazo prior to the punch. PO Cataquet did not remember if PO Blazo used a closed fist. § 87(2)(b) complied after the punch. PO Cataquet did not observe any resulting injuries on § 87(2)(b). The officers closed the door. As they drove to the stationhouse, PO Cataquet called EMS to arrive at the



stationhouse because PO Blazo had punched § 87(2)(b).

PO Seepersaud (**BR 19**) stated that he did not remember being involved in placing § 87(2)(b) in the vehicle. He did not see what other officers did to overcome § 87(2)(b) resistance. PO Seepersaud did not remember § 87(2)(b) saying he was punched or that an officer punched him.

PO Cruz (**BR 20**) stated that when placing § 87(2)(b) in the second vehicle, she pushed him inside and § 87(2)(b) kicked her in the stomach. PO Cruz was unsure who else was involved in placing § 87(2)(b) in the vehicle. PO Cruz told § 87(2)(b) to get his ass in the car because he was spitting, which she also told him was another charge. PO Cruz confirmed that placing § 87(2)(b) in the vehicle was stressful, because he was kicking and trying to get out of the vehicle. She did not hear § 87(2)(b) say he was punched, nor did she see an officer punch him. She did not see any injuries on his face.

PO Santiago (**BR 18**) stated that PO Cruz and PO Blazo placed § 87(2)(b) in the vehicle, while PO Cataquet went around to the other side of the vehicle, sat, and pulled § 87(2)(b) inside. Nothing else was done to place him in the police vehicle that PO Santiago could recall. She did not hear him make any other statements while being placed in the car. She did not recall § 87(2)(b) saying that he was punched.

PO Blazo's memo book entry (**BR 32**), prepared on May 4, 2023, at 5:56 p.m., ends with, "Listed [defendant] was given one compliance strike to the face after disregarding and disobeying multiple commands to stop resisting and to stop kicking and was taken into custody without further incident."

PO Blazo (**BR 23**) stated that, as he assisted in placing § 87(2)(b) in the police vehicle, § 87(2)(b) kicked PO Blazo in his legs. The officers, including PO Blazo, had to physically push § 87(2)(b) inside. § 87(2)(b) scooted backwards as a result of the push, laying on his back. PO Cataquet was on the other side of § 87(2)(b) sitting in the vehicle. PO Blazo did not see what PO Cataquet was doing. PO Blazo told § 87(2)(b) to get in the car. § 87(2)(b) continued cursing, saying "suck my dick." While PO Blazo reached inside, § 87(2)(b) kicked PO Blazo twice, somewhere in his chest/shoulder area, causing PO Blazo to lose balance. He extended his right arm forward to grab onto something and regain his balance. In doing so, he unintentionally made contact with § 87(2)(b) face. PO Blazo later stated that he was unsure where his hand made contact when he was bracing himself. He felt his hand touch something squishy but was not sure what it was, as it could have been the seat or something else. § 87(2)(b) said he was punched in the face, which PO Blazo denied doing. When PO Blazo looked up, § 87(2)(b) foot was right by his face. PO Blazo used his right hand to hold § 87(2)(b) foot and prevent it from kicking him.

When explaining his memo book entry, PO Blazo stated that "compliance strike," meant that he pushed § 87(2)(b) somewhere in his upper chest area, which he did to get § 87(2)(b) in the vehicle. He, once again, denied punching § 87(2)(b) in the face.

The investigation did not obtain Threat, Resistance, or Injury Reports because § 87(2)(b) mother did not sign unsealing orders (**BR 41**).

Medical Treatment of Prisoner Report prepared for § 87(2)(b) (**BR 33**) notes that § 87(2)(b) had scratches on his hands and complained of being punched in the face. He obtained a checkup, but ultimately refused medical attention.

PO Cataquet's memo book (**BR 34**) includes a photo of § 87(2)(b) face, with no visible injuries, and his left hand, which has some bruising or scratching.

Patrol Guide procedure 221-01 (**BR 25**) states that when determining if force is reasonable, uniformed members of service should consider the following: "The nature and severity of the crime/circumstances, Actions taken by the subject, Duration of the action, Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, Whether the subject is actively resisting custody, Whether the subject is attempting to evade arrest by flight, Number of subjects in comparison to the number of MOS, Size, age, and condition of the subject in comparison to the MOS, Subject's violent history, if known, Presence of hostile crowd or agitators,

Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.”

Patrol Guide procedure 221-02 (**BR 26**) states that when a member of the service must gain compliance, control, or custody of an uncooperative subject, the member should comply with P.G. 221-01 and do the following: Take necessary action to protect life and personal safety of all persons present, including subjects being placed into custody and utilize de-escalation techniques when appropriate and consistent with personal safety, which may reduce or eliminate the need to use force, among other additional steps. Officers shall apply no more than the reasonable force necessary to gain control.

Patrol Guide procedure 200-02 (**BR 27**) notes that the NYPD’s mission is to, in partnership with the community, value human life, respect the dignity of each individual, and render our services with courtesy and civility, while also maintaining a higher standard of integrity than is generally expected of others.

DAO-DCT 2015-15012 (BR 29) found that officers are prohibited from using discourteous language, except when in a highly dangerous or stressful situation. Officers shall not use discourteous language that serves no legitimate purpose other than to belittle.

The discussed BWC captures § 87(2)(b) stepping out of the vehicle several times, kicking, and potentially spitting. § 87(2)(b) was also cursing and refusing to comply with orders to get in the vehicle. § 87(2)(g)

Given that § 87(2)(b) was actively kicking and spitting at the officers, § 87(2)(g)

Once inside the police vehicle, § 87(2)(b) resisted and kicked at the officers, while PO Cruz attempted to hold § 87(2)(b) feet, PO Blazo reached further into the vehicle toward § 87(2)(b) upper body, and PO Cataquet pulled § 87(2)(b) inside from the opposite side of the vehicle. However, near the conclusion of this struggle, the BWC captures officers telling PO Blazo to step back and shouting at him to close the door just prior to PO Blazo punching § 87(2)(b) in the face. Given that most of § 87(2)(b) body was in the vehicle, that PO Cataquet was holding onto his upper body and restricting his movement, and that the other officers made statements to close the door, § 87(2)(g)

Although PO Blazo claimed that he may have punched § 87(2)(b) accidentally, his memo book and PO Cataquet § 87(2)(g) —confirmed that PO Blazo intentionally conducted a compliance strike to the face. § 87(2)(g)

**Allegation (AH) Untruthful Statement: On October 17, 2023, at 100 Church Street in Manhattan, Police Officer Kenneth Blazo provided a false official statement to the CCRB.**

At the 3:16 mark in PO Blazo’s BWC (**BR 04**), just prior to stepping out of the vehicle, § 87(2)(b) asks, “why you fucking punching me.” There is no video evidence, including PO Blazo’s own video, that captures PO Blazo punching § 87(2)(b) in the face.

PO Blazo (**BR 23**) stated that when reaching into the vehicle to place § 87(2)(b) inside, § 87(2)(b) kicked PO Blazo twice, somewhere in his chest/shoulder area, causing PO Blazo to



lose balance. PO Blazo extended his right arm forward to grab onto something and regain his balance. In doing so, he unintentionally made contact with § 87(2)(b) face. PO Blazo later stated that he was unsure where his hand made contact when he was bracing himself. He felt his hand touch something squishy but was not sure what it was, as it could have been the seat or something else. § 87(2)(b) said he was punched in the face. PO Blazo denied punching him in the face. When explaining his memo book entry, PO Blazo stated that “compliance strike,” meant that he pushed § 87(2)(b) somewhere in his upper chest area, which he did to get § 87(2)(b) in the vehicle. He once again denied punching § 87(2)(b) in the face.

PO Blazo’s memo book entry (BR 32), prepared on May 4, 2023, at 5:48 p.m., ends with the statements, “Subject claimed he was punched while actively resisting while being placed in department vehicle physically.” The entry was edited on the same day, at 5:56 p.m., where PO Blazo added, “Listed [defendant] was given one compliance strike to the face after disregarding and disobeying multiple commands to stop resisting and to stop kicking and was taken into custody without further incident.”

NYPD Administrative Guide 304-10 (BR 31) defines a false statement as an intentional statement that a member of service knows to be untrue, which is material to the outcome of an investigation. A material fact is defined as a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. Officers are prohibited from making false official statements.

PO Blazo edited his original memo book entry to reflect that he issued a compliance strike. When asked about the compliance strike noted in his memo book, PO Blazo stated that the strike reflected a push to the chest. A compliance strike is not typical terminology for a push, and the location where PO Blazo alleged that he used such “compliance strike”—the chest—was not in accordance with what he noted in his memo book—the face. PO Blazo denied punching § 87(2)(b) intentionally, noting that if it did occur, it was incidental to regaining his balance. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first complaint in which § 87(2)(b) has been named a party (BR 35).
- PO Cataquet has been a member of service for five years. He has been named a subject in one other CCRB complaint and one allegation, which has not been substantiated.
- PO Seepersaud has been a member of service for one year and this is the first complaint in which he has been named a subject.
- PO Cruz has been a member of service for two years. She has been named a subject in one other CCRB complaint and one allegation, which has not been substantiated.
- PO Santiago has been a member of service for two years. She has been named a subject in two other CCRB complaints and two allegations, none of which have been substantiated.
- PO Rodriguez has been a member of service for two years. He has been named a subject in one other CCRB complaint and one allegation, which has not been substantiated.
- PO Blazo has been a member of service for two years. He has been named a subject in two other CCRB complaints and two allegations, none of which have been substantiated.
- PO Duffy has been a member of service for two years and this is the first CCRB complaint in which he has been named a subject.

- PO Rotger has been a member of service for one year and this is the first CCRB complaint in which he has been named a subject.

**Mediation, Civil, and Criminal Histories**

- This case was not suitable for mediation.
- According to the Office of the New York City Comptroller, § 87(2)(b) did not file a notice of claim regarding this incident (BR 36).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

**RPBP History**

- This case did not have racial profiling allegations.

Squad No.: 10

Investigator:	<u>Jessica Russo</u>	<u>SI Jessica Russo</u>	<u>03/12/2024</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Maura R. Roche</u>	<u>IM Maura R. Roche</u>	<u>03/13/2024</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date